

SCHWARTZ, LICHTENBERG LLP
Attorneys at Law

420 Lexington Avenue
Suite 2400
New York, New York 10170
(212) 389-7818
Facsimile (212) 682-6511

2900 Westchester Avenue
Suite 206
Purchase, New York 10577
(914) 696-5144
Facsimile (914) 696-5918

MEMO ENDORSED

October 11, 2007

VIA FACSIMILE TRANSMISSION
and REGULAR FIRST CLASS MAIL
Hon. Denny Chin
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1020
New York, New York 10007

USDC SDNY
DOCUMENT
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DATE FILED: 10/15/2007

Re: Robert Geltzer v. Gary Altman, et al.,
Case No. 07-CV-07852 (DC)

Dear Judge Chin:

We are the attorneys for seven of the defendants in the above-noted action (collectively, the "Defendants"). This action is before Your Honor pursuant to a stipulation and order granting Defendants' motion to withdraw the reference of the adversary proceeding from the United States Bankruptcy Court to United States District Court. Yesterday, Your Honor "so ordered" said stipulation. Simultaneously with the filing of Defendants' motion to withdraw the reference, on September 5, 2007, Defendants moved by notice of motion to dismiss the complaint with prejudice pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure (the "Dismissal Motion"). I write to respectfully request that a pre-motion conference be waived and that the Dismissal Motion proceed to a hearing.

The sole claim against Defendants is for breach of fiduciary duty during the time they served on the board of directors of the underlying debtor, 1st Rochdale Cooperative Group, Ltd. (Chapter 7 Case No. 05-12086). Some Defendants are in their eighties and nineties with limited means and in failing health. They seek to have this lawsuit addressed at the earliest possible time. In light of Defendants' advanced ages, the relatively straight-forward legal issues presented in this case, and the fact that plaintiff was served with a copy of the Dismissal Motion over one month ago, I respectfully request that the pre-motion conference be waived and Defendants permitted to file the Dismissal Motion.

SCHWARTZ, LICHTENBERG LLP.

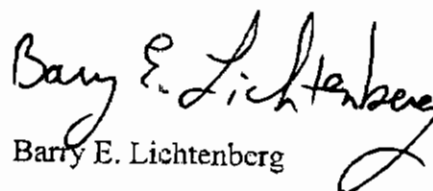
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I have consulted with the attorneys for plaintiff Robert Geltzer, as Chapter 7 Trustee, and we have agreed on a briefing scheduling. Plaintiff is to serve and file any opposition papers on or before October 30, 2007. Defendants are to serve and file any reply papers on or before November 21, 2007.

Finally, pursuant to Section 2(E) of the Individual Practices of Judge Denny Chin, Defendants respectfully request oral argument on the Dismissal Motion.

Thank you.


Respectfully submitted,


Barry E. Lichtenberg

BEL/ta

cc: Andrea Fisher, Esq. (via fax)
Gary Altman
Rhoda Brown
Estate of George Crethan
Saul Mildworm
Jack Raskin
David Smith
Edward Yaker

The requirement of a
pre-motion conference is
waived. The above
schedule is approved.
SO ORDERED.


10/15/07